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Patent
Attorney's Docket No. 1004501-000813

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
Munaf RAHIMO et al.)	Group Art Unit: 2823
Application No.: 10/537,834)	Examiner: Julio J. Maldonado
Filed: June 8, 2005)	Confirmation No.: 8689
For: NEW SELF-ALIGNED PRODUCTION)	
METHOD FOR AN INULSATED GATE)	
SEMICONDUCTOR DEVICE CELL)	
AND INSULATED GATE)	
SEMICONDUCTOR DEVICE CELL)	

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In an Official Action dated June 26, 2006, the Examiner has indicated that restriction to one of the following inventions is required under 35 U.S.C. § 121:

Group I: claim 1, drawn to a method of manufacturing a semiconductor device; and

Group II: claims 2 and 3, drawn to a semiconductor device.

Accordingly, Applicants provisionally elect Group II, the subject matter of claims 2 and 3, with traverse. Applicants submit that the restriction requirement is in error. It is believed that in examining the non-elected claims, the Examiner will search overlapping classes of art as is required to search the invention of the elected claims, resulting in the same references being considered relative to both of the aforementioned groups of claims.

Thus, restriction will not reduce the workload of the U.S. Patent and Trademark Office or simplify prosecution of the application. As set forth in M.P.E.P. § 803, there are two criteria for a proper restriction requirement between patentably distinct inventions: (1) the inventions must be independent or distinct as claimed; and (2) there must be a **serious burden** on the Examiner if restriction is not required. This portion of the M.P.E.P. requires that if the search and examination of an entire application can be made without serious burden, the Examiner **must** examine it on the merits, even though it includes claims to distinct or independent inventions.

Accordingly, reconsideration and withdrawal of the aforementioned restriction requirement is respectfully requested. This election is hereby made without prejudice to Applicants' right to file a divisional application or applications should the restriction requirement become final.

Respectfully submitted,

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Date: July 14, 2006

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